

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

Second Floor,
Commercial Complex,
Indiranagar,
Bangalore-38.

Dated: 17 NOV 1993

APPLICATION NO(s) 618 of 1993.

APPLICANTS: S.N.Venkaterathna
Reddy v/s.

RESPONDENTS: General Manager, Bangalore
Telecom DIST, Bangalore & Others.

TO.

1. Sri. Ravivarma Kumar,
Advocate, No.11,
Jeevan Buildings,
Kumara Park East,
Bangalore-560 001.
2. The General Manager,
Bangalore Telecom District,
Chamber of Commerce Bldg,
K.G.Road, Bangalore-560 009.
3. The Divisional Engineer Phones,
Malleswaram Division,
232/Sempige Road, Bangalore-560 055.
4. Sri.M.Vasudeva Rao,
Central Govt.Stng.Counsel,
High Court Bldg, Bangalore-1.

SUBJECT:- Forwarding of copies of the Orders passed by
the Central Administrative Tribunal, Bangalore.

-xxx-

Please find enclosed herewith a copy of the
ORDER/STAY ORDER/INTERIM ORDER/, Passed by this Tribunal
in the above mentioned application(s) on 03-11-1993.

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Recd
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M. Deek S
DEPUTY REGISTRAR
JUDICIAL BRANCHES. 17/11/93

gm*

of
Issued
gm

CENTRAL ADMINISTRATIVE TRIBUNAL: BANGALORE.

APPLICATION NUMBER 618 OF 1993

DATED THIS THE 3RD DAY OF NOVEMBER, 1993.

Mr. Justice P.K. Shyamsundar, .. Vice-Chairman

And

Mr. V. Ramakrishnan, .. Member(A).

S.N. Venkatarathna Reddy,
late Narayanaswamy,
Aged 37 years, Junior Telecom
Officer now under orders of
Suspension, Bangalore Telecom
District, Malleswaram Division,
Bangalore-560 055. .. Applicant.

(By Advocate Sri Ravivarma Kumar)

v.

1. The Divisional Engineer,
Phones, Malleswaram Division,
Bangalore-560 055.
2. The General Manager,
West/Area Manager, Bangalore
Telecom District, Swathi Complex,
No.1-A, Platform Road,
Seshadripuram, Bangalore-560 020.
3. The General Manager,
Bangalore Telecom District,
Chamber of Commerce Building,
K.G. Road, Bangalore-560 009. .. Respondents.

(By Central Government Standing Counsel Sri M. Vasudeva Rao)

ORDER

Mr. Justice P.K. Shyamsundar, Vice-Chairman:

Heard. Admit. We propose to dispose off this application on merits as the pleadings are complete. The controversy herein lies in a short compass and relates to an order of suspension passed by the Divisional Engineer, Malleswaram Division, Bangalore on 1st of September, 1990 suspending the applicant from service with a further direction that he should not leave the headquarters without obtaining prior permission of the Disciplinary Authority. The suspension order at Annexure-A reads -



"Whereas a disciplinary proceeding against Shri S.N.Venkatarathna Reddy, Junior Telecom Officer, Bangalore Telecom District, is hereby contemplated.

Now, therefore the undersigned, in exercise of powers conferred by Sub-Rule (1) Note (b) of Rule 10 of C.C.S.(C.C.A.) Rules,1965, hereby places the said Shri S.N.Venkatarathna Reddy, under suspension with immediate effect.

It is, further ordered that during the period that this order shall remain in force, the Headquarters of Sri S.N.Venkatarathna Reddy should be Bangalore and the said Sri S.N.Venkatarathna Reddy shall not leave the Headquarters without obtaining the prior permission of the undersigned."

Soon thereafter the applicant made a representation on 6-2-1991 as per Annexure-B for revocation of the suspension order but that was negatived by the order dated 5-3-1991 (Annexure-C). From that order he filed a further appeal, which was disposed off by Annexure-J dated 13-3-1991 pleading inability to revoke the suspension order. The brief order made by the Appellate Authority is as follows:-

"Your request for revocation of suspension has been carefully considered by General Manager, Telecom District, Bangalore.

It is regretted to intimate that your request for revocation of suspension cannot be acceded to at this juncture."

After this futile attempt made by the applicant seeking revocation of the suspension order original application was filed and we are asked therein to quash the order of suspension (Annexure-A).

2. It has however got to be stated further, although the man was kept under suspension pending a contemplated disciplinary inquiry by the department, it transpires that subsequently a charge sheet had been filed before the Court of the XXI Additional City Civil Judge, Bangalore in C.C.No.108 of 1990 under Section 13(1)(d) read with Section 13(2) of the Prevention of Corruption Act,1988. That however proved to be nugatory because

the learned City Civil Judge held the placement of the charge sheet on the basis of investigation done by the Circle Inspector of Police a circumstance which vitiated the entire proceedings and in consequence he appears to have discharged the applicant and set him free from the charges levelled against him by the order dated 18-5-1993 pursuant to which the applicant again renewed his solicitation for revocation of suspension as could be seen from his representation dated 19-5-1993 (Annexure-N) which probably found no response.

2. We are, however, told by the learned Standing Counsel against the order of discharge passed by the City Civil Judge, the department has filed a revision petition before the High Court which is pending consideration and it is common ground the High Court has not so far reversed the order of discharge which continues to be binding. The position, therefore, is admittedly, right now there is no criminal investigation pending against him and it is not denied the department is still contemplating holding a disciplinary enquiry. It is now three years since the date on which the applicant was placed under suspension and in view of the same he is neither here nor there. In CHAUHAN v. STATE OF UTTARPRADESH (1977 AWC 704) the Supreme Court held that "if a Government servant is placed under suspension for an indefinite period of time, it would definitely be against public interest and is liable to be struck down". We cannot no more emphasise than what the apex court has done in the decision referred to supra. In the present case right now neither a disciplinary proceeding nor any criminal investigation is pending and as such it is highly unjust that the order of suspension should remain current.

3. In this view of the matter, we allow this application and strike down the order dated 1-9-1990 (Annexure-A) with a

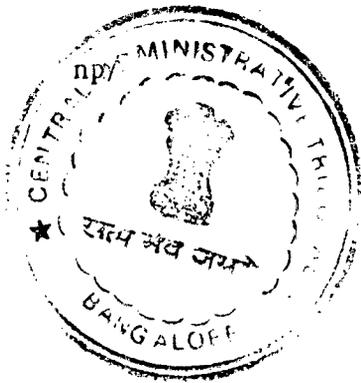
direction to the department to reinstate the applicant forthwith with all concomitant financial benefits. We also make it clear that notwithstanding our order herein the same will not stand in the way of the department taking any further proceedings against the applicant. No costs.

Sd-

MEMBER(A)

Sd-

VICE-CHAIRMAN.



TRUE COPY

M. Suresh
SECTION OFFICER
CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH
BANGALORE
17/11/93